

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

SBN-DVI, LLC	§	
	§	
VS.	§	CIVIL ACTION NO. G-02-114
	§	
WALTER F. CROWDER, ET AL.	§	

**OPINION AND ORDER**

Upon representation by Defense Counsel that the previously submitted Bill of Costs includes all of the information this Court needs to determine those costs recoverable against Plaintiff SBN-DVI under this Court's Order dated February 13, 2007, the Court is of the opinion that the following Orders are appropriate.

It is **ORDERED** that Defendants **SHALL RECOVER** the amount of \$246.72 for fees for the Court Reporter for all and any part of the transcripts necessarily obtained for use in this case.

It is further **ORDERED** that Defendants **SHALL RECOVER** the amount of \$160.00 in witness fees for Craig Carter's attendance for two days of deposition and two days of trial pursuant to 28 U.S.C. § 1821; the remainder of Carter's witness fees sought by Defendants are not recoverable. See Crawford Fitting Co. v. J.T. Gibbons, Inc., 482 U.S. 437, 439 (1987) see also Holmes v. Cessna Aircraft Co., 11 F.3d 63, 64 (5<sup>th</sup> Cir. 1994)

It is further **ORDERED** that Defendants **SHALL RECOVER** the amount of \$937.20 for the reasonable and necessary travel and lodging expenses of Craig Carter incurred during his attendance at trial.

It is further **ORDERED** that the Defendants **SHALL RECOVER** the amount of \$1,447.77 for costs of the deposition of Jimmie Cole and the two depositions of Craig Carter.

It is further **ORDERED** that any objections to the costs herein allowed and/or the amounts thereof **SHALL** be filed **on or before February 23, 2007**.

**DONE** at Galveston, Texas, this 14th day of February, 2007.

  
\_\_\_\_\_  
John R. Froeschner  
United States Magistrate Judge